

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

SCOTT WENDALE LIVERMONT,

Defendant and Appellant.

D054488

(Super. Ct. No. SCN246112)

APPEAL from a judgment of the Superior Court of San Diego County, K. Michael Kirkman, Judge. Affirmed.

A jury convicted Scott Wendale Livermont of possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)) and possession of narcotics paraphernalia (Health & Saf. Code, § 11364). The trial court suspended imposition of sentence and placed Livermont on three years of formal probation pursuant to Proposition 36 (Pen. Code, § 1210 et seq.).

FACTS

Shortly before 11 p.m. on May 13, 2008, two San Diego County Sheriff's deputies were watching a suspicious car parked at an AM/PM gas station on Mesa Rock Road in Escondido. Subsequently, a gray van parked next to the suspicious car. One of the deputies conducted a records check on the van, which revealed the registration had expired in 2005 and the owner of the van was Livermont. The license plate on the van displayed a 2006 sticker.

Based on the expired registration and incorrect sticker, Deputy Darin Smith decided to impound the van. During a pre-storage inventory of the van contents, the deputies found six "Tooters" (straws cut into pieces and used to snort drugs), a pipe typically used to smoke methamphetamine and a container with a white powdery substance. Deputy Smith believed the substance was methamphetamine and arrested Livermont.

After he was advised of his *Miranda* rights and waived them, Livermont admitted the methamphetamine was his.

The parties stipulated at trial that the substance was .15 grams of methamphetamine. As little as five milligrams constitutes a usable quantity of methamphetamine.

DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436.

Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as a possible but not arguable issue: whether there was sufficient evidence to support the convictions.

We granted Livermont permission to file a brief on his own behalf. He has not responded.

A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, and *Anders v. California, supra*, 386 U.S. 738, including the possible issue referred to by appellate counsel, has disclosed no reasonably arguable appellate issues. Livermont has been adequately represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McINTYRE, J.

WE CONCUR:

McDONALD, Acting P. J.

O'ROURKE, J.